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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

P7235

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on May 3, 2006

Signature

Typed or printed name

Gary W. Hamilton

Application Number

10/066,975

Filed

February 4, 2002

First Named Inventor

Michael J. Wookey

Art Unit

2135

Examiner

Leynna A. Ha

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

31,834

Registration number

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attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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May 3, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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*Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael J. Wookey, Trevor Watson, Jean Chouanard
Assignee: Sun Microsystems, Inc.
Title: Automatic Communication and Security Reconfiguration for Remote Services
Serial No.: 10/066,975 Filing Date: February 4, 2002
Examiner: Leynna A. Ha Group Art Unit: 2135
Docket No.: P7235 Customer No.: 33438

Austin, Texas
May 3, 2006

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PRE-APPEAL BRIEF STATEMENT OF REASONS

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,442,571 issued to Haff, et al. (Haff).

REMARKS

The following remarks provide Applicants' position regarding how the claims distinguish over the art of record.

The present invention, as set forth by independent claim 1, relates to a method of automatically reconfiguring a component of a remote services network system comprising the steps of detecting a communication error related to a component of said network, identifying a configuration parameter associated with the occurrence of said communication error, obtaining corrected configuration data relating to said configuration parameter, and automatically installing said corrected configuration data on said component to restore communication with said remote services network.

The present invention, as set forth by independent claim 10, relates to a remote services system, which includes a system component in communication with the remote services system, wherein the component has a plurality of stored data parameters for maintaining communication with the remote services system, a data base containing valid configuration data parameters for maintaining communication of the system component with the remote services system, and a communication module operable to detect a communication error between the system component and the remote services system. The communication module is operable to correct a communication error by obtaining valid configuration data parameters from the data base and installing the valid configuration data parameters on the system component.

Haff is directed to a communication system for providing peer-to-peer electronic transfer of computer files between personal computer systems. See for example, the discussion in column 6, lines 4-7 and column 21, lines 3-50. The system described by Haff clearly does not disclose a remote services network system as recited in Applicants' independent claims 1 and 10. Aside from this significant difference, Haff fails to satisfy the requirements of 35 U.S.C. §102(e) as a basis for anticipating Applicants' independent claims 1 and 10 for the reasons discussed below.

As discussed above, independent claim 1 recites the detection of a communication error and "identification of a configuration parameter associated with the occurrence of said communication error." In an attempt to anticipate the limitation relating to the identification of

the configuration parameter associated with the communication error, Examiner cites column 26, lines 13-17 of Haff, set forth below:

If the data received from the remote PC corresponds to a valid data port assignment, the logic proceeds to step S48. Otherwise the logic proceeds to step S46 where the logic terminates execution and an error is logged indicating that an invalid reply was received.

Applicant assumes that Examiner seeks to use the “port assignment” in the cited passage of Haff as a communication parameter associated with a communication error.

Independent claim 1 also recites “obtaining corrected configuration data relating to said configuration parameter.” In an attempt to anticipate this limitation, Examiner cites column 40, lines 43-53 of Haff, set forth below:

When an update is transmitted to recipients, if automatic update has been selected during setup at a recipient PC, the previous version installed at the recipient PC is automatically replaced by the new release version files. Automatic update is accomplished by transmitting, along with the new release version computer program, (1) an update identifier in the file list header for the packet that differentiates the update package from other types of received files; (2) an authentication code unique to the software manufacturer; and (3) an install program and a set of control commands that are executed by the currently installed version of the software.

Applicant respectfully submits that the discussion in column 40, lines 43-53 of Haff does not teach “obtaining corrected configuration data relating to said configuration parameter.” There is no reference in this passage of Haff that suggests that the files installed using the automatic update relate in any way to the communication parameter identified by Examiner, i.e., the port assignment, or to any other configuration parameter associated with a communication error.

Independent claim 1 also recites “automatic installation of corrected configuration data to restore communications.” In an attempt to anticipate this limitation, Examiner has cited column 10, lines 9-15 and column 40, lines 36-63 of Haff. For convenience, the cited portions of Haff are set forth below:

The signal may also include an active connection monitoring source code segment, a validating source code segment, and a monitoring source code segment. The active connection monitoring source code segment

periodically determines whether each remote device in a list of at least one remote device is currently actively connected to a communications pathway accessible to a local device. (Col. 10, lines 9-15)

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According to another embodiment, an automated update feature may be provided. The automatic update feature allows the user to electronically receive new software version releases and automatically install the software updates. Options are provided for automatically or manually updating upon receipt of electronic transmission of a new software version release.

When an update is transmitted to recipients, if automatic update has been selected during setup at a recipient PC, the previous version installed at the recipient PC is automatically replaced by the new release version files. Automatic update is accomplished by transmitting, along with the new release version computer program, (1) an update identifier in the file list header for the packet that differentiates the update package from other types of received files; (2) an authentication code unique to the software manufacturer; and (3) an install program and a set of control commands that are executed by the currently installed version of the software. (Col. 40, lines 36-63)

There is no teaching in these cited portions of Haff that suggests that the software updates described by Haff contain corrected configuration data that is installed to restore communications.

Examiner has made similar arguments using the citations from Haff, as discussed above, to reject independent claim 10. Applicant respectfully submits that the application of the cited portions of Haff in an attempt to anticipate the corresponding limitations in independent claim 11 are erroneous for the reasons discussed with regard to independent claim 1.

For the reasons set forth above, Applicant respectfully submits that Examiner has failed to provide a basis for anticipation of the limitations recited in independent claims 1 and 10 under 35 U.S.C. §102(e). In particular, Examiner has failed to provide a single reference that anticipates all of the limitations recited in independent claims 1 and 10. The rejection of these claims under 35 U.S.C. §102(e) should, therefore, be removed. Therefore, dependent claims 2-9 and 11-16 are also allowable as being dependent from allowable base claims.

CONCLUSION

In view of the remarks set forth herein, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be issued.

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Respectfully submitted,

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